

Application No: 10/695,466 Docket No.: Q128-US2

Page 4

REMARKS

RECEIVED
CENTRAL FAX CENTER

MAR 27 2007

Claims 1-10, and 16-27 were previously canceled. Claims 11-15, and 28-29 were previously presented. Accordingly, claims 11-15, and 28-29 are pending examination.

Elections/Restrictions

The Applicant does not make an election in this Amendment and has not made any elections in prior Amendments. Applicants prior amendment points out that the Restriction requirement in the prior Office Action is moot as the result of the Preliminary Amendment previously filed on filed October 27, 2003.

Rejection of Claim 11 Under 35 USC §103(a)

Claims 11-15, 28 and 29 are rejected under 35 USC §103(a) as claiming being unpatentable over U.S. Patent No. 6,190,798 B1 (Okada et al.) in view of U.S. Patent No. 5,929,741 (Nishimura et al.) and U.S. Patent No. 6,753,605 B2 (Joshi).

As evidenced by Okada's Abstract, Okada teaches a battery having an injection port in a cover. A sealing cover is positioned over the injection port. The Office Action argues that "it would have been obvious ... to add a copper layer to the aluminum sealing member of Okada et al, because Nishimura and Joshi collectively teach the copper layer can increase the electrical conductivity of the sealing member. However, there is no teaching or even a suggestion in any of the cited references that the performance of Okada's battery would be improved if the conductivity of the sealing member were improved. The purpose of Okada's sealing cover is to block the injection port in the cover (Abstract and C4, L55). Further, the Okada's sealing cover does not serve as a terminal for Okada's battery as noted at C3, L8 and reinforced at C5, 8-10. Nothing in any of the cited art suggests that the blocking function of Okada's sealing cover could be improved by improving the conductivity of the sealing cover. Since the cited art provides no indication that Okada's battery would be improved by adding a copper layer to Okada's sealing cover, there is no motivation to modify the references as suggested in the Office Action and the claims are patentable over the cited art.

Application No: 10/695,466 Docket No.: Q128-US2

Page 5

Rejection of Claims 12-15, and 28-29 Under 35 USC §103(a)

Claims 12-15, and 28-29 each depends directly or indirectly from independent claim 11. Since independent claim 11 is believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Application No: 10/695,466


Docket No.: Q128-US2

Page 6

CONCLUSION

The Examiner is encouraged to telephone or e-mail the undersigned with any questions.

RECEIVED
CENTRAL FAX CENTER
MAR 27 2007



Travis Dodd
Reg. No. 42,491
Agent for Applicant(s)

Quallion LLC
P.O. Box 923127
Sylmar, CA 91392-3127
818-833-2003 ph
818-833-2065 fax
travisd@quallion.com